

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

PAMELA J. JUSTUS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:11-CV-148-PLR-CCS
	)	
	)	
CAROLYN W. COLVIN,	)	
Acting Commissioner of Social Security,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This Social Security appeal is before the Court on the Motion to Alter or Amend Order filed by the Commissioner [R. 23]. The Commissioner points out that the Court mistakenly awarded plaintiff attorney fees under 28 U.S.C. § 2412, instead of under 42 U.S.C. § 406(b). The Commissioner states that plaintiff's counsel is aware of the contents of this motion, and is in agreement with it.

After a careful review of this matter, the Court finds that the Commission is correct that attorney fees in this case should be awarded under 42 U.S.C. § 406(b), rather than under 28 U.S.C. § 2412. Accordingly, the Commissioner's motion [R. 23] is **GRANTED**, and the order in this case is amended as follows:

It is **ORDERED**, for the reasons stated in the Report and Recommendation, which the Court adopts and incorporates into its ruling, that Plaintiff's original Motion for Attorney Fees [R. 14] is **DENIED AS MOOT**;

Plaintiff's Amended Motion for attorney fees under 42 U.S.C. § 406(b), [R. 16] is **GRANTED**; and Plaintiff's counsel is awarded attorney fees of \$3,701.50.

**IT IS SO ORDERED.**

Enter:

  
UNITED STATES DISTRICT JUDGE